

## REMARKS

The application includes claims 25-47 prior to entering this amendment.

The applicants amend claims 25-28, 30, and 33-42. The application remains with claims 25-47 after entering these amendments.

The above amendments are made without prejudice or disclaimer. The amendments are made to more clearly delineate intended subject matter. Accordingly, the applicants do not intend to surrender claimed subject matter by submission of the above amendments and does not add new matter. The applicants respectfully requests reconsideration of the above referenced patent application in view of the following remarks.

### Claim Rejections - 35 U.S.C. § 112

The office action rejected claims 34-35 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claims 34-35 are currently amended and should be allowed.

### Claim Rejections - 35 U.S.C. § 102

The office action rejected claims 28 and 42 under 35 U.S.C. § 102(e) as being anticipated by Bosloy, *et al.*, (U.S. Patent 6,714,544).

Claims 28 and 42 are currently pending. The applicants submit that claims 28 and 42 are allowable over Bosloy. Therefore, the applicants respectfully traverse the claim rejections for the reasons explained herein.

With respect to claim 28, the applicants claim a call routing method including “generating an information element having a predefined format, the information element representing a link utilization threshold value.” According to the disclosed method, a threshold value for link utilization may be used as for comparing with the utilization of a remote peer group horizontal link to determine whether to include a remote peer group horizontal link in a virtual circuit. This method avoids the inefficiency of conventional Private Network-to-Network Interface (PNNI) routing wherein routing optimization aggregates link utilization in lower cost links, reserving little or no excess capacity for parallel link interruptions. One consequence is link interruptions cause rerouting from lower cost (more desirable) links to higher cost (less

desirable) links rather than from one lower cost link to another. *See*, the present specification page 4, lines 2-7.

In contrast, Bosloy discloses a method of setting up a proxy communication connection to allow communication between incompatible communication networks. Wherein, the proxy connection establishment message comprises information identifying the source communication channel, port, and/or virtual path identifier and virtual channel identifiers (VPI/VCI). *See*, Bosloy, column 10, lines 59-64, column 11, lines 39-41, column 19, lines 7-12 and the abstract. At least, Bosloy does not disclose “generating an information element having a predefined format, the information element representing *a link utilization threshold value*.” The office action relies on column 11, lines 39-41 of Bosloy for this feature. However, the noted section of Bosloy only discloses, “a proxy connection establishment request message comprising information *identifying the source communications channel*.” This information is later extracted and used to establish a cross-connect from the source node to the source communications channel identified. *See*, Bosloy column 11, lines 49-54. The information *identifying a source communication channel* of Bosloy does not provide a link utilization threshold value for comparing with the utilization of a remote peer group horizontal link to determine whether to include a remote peer group horizontal link in a virtual circuit as is claimed in claim 28 of the current application.

Claim 42 distinguishes from Bosloy on at least the same or similar basis as claim 28. For instance, the office action relies on column 19, lines 7-12 of Bosloy to disclose the feature “wherein the opaque information element triggers the pre-configured remote nodes to select between links for the virtual circuit connection according to a comparison of the *link utilization threshold value to utilization of the links*” of claim 42. However, column 19, lines 7-12 of Bosloy disclose only, “The proxy connection establishment request message constructed by the interface specifies the ATM address of the called party and also the port and VPI/VCIs associated with the channels to be used for the connection, enabling the call processor 424 to signal the establishment of the connection across the ATM network 412.” A proxy connection establishment request message specifying an address, port and VPI/VCIs for channels to be used across a network, as is disclosed in Bosloy, is not the same providing an opaque information element that triggers the pre-configured remote nodes to select links based on a comparison of a *link utilization threshold value to utilization of the links* as is disclosed in claim 42 of the current application. In Bosloy, the proxy connection establishment request message provides the specific

address and routing information for the connection. In contrast, in the current application the opaque information element provides a *link utilization threshold value* and *triggers* evaluation of remote links based on the provided threshold value. Therefore, claim 42 distinguishes from Bosloy on at least the foregoing basis and should be allowed.

### **Claim Rejections - 35 U.S.C. § 103**

The office action rejected claims 25-26, 33, 38 and 41 under 35 U.S.C. § 103(a) as being unpatentable over Igarashi, *et al.*, (U.S. Patent 6,836,464), in view of Bosloy.

Claims 25-26, 33, 38 and 41 are currently pending. The applicants submit that claims 25-26, 33, 38 and 41 are allowable over Igarashi in view of Bosloy. Therefore, the applicants respectfully traverse the claim rejections for the reasons explained herein.

With respect to claim 25, the applicants disclose a call routing apparatus to; receive a call setup signaling message comprising a link utilization threshold value, “generate a *dynamic* local peer group horizontal link utilization value ...based at least in part on the local peer group topology information” and to “determine whether the *dynamic* local peer group horizontal link utilization value exceeds the *link utilization threshold value*.”

The applicants’ claimed device compares the local horizontal link utilization with a *link utilization threshold value* and determines whether the utilization of the local horizontal link exceeds the link utilization threshold value. Accordingly, call routing may be based at least in part on whether a particular link’s utilization exceeds a threshold identified in a call set-up signaling message. In this way, remote resources in an ATM network may be more efficiently allocated by reserving capacity on lower cost links. *See*, the present specification page 4, lines 2-7.

In contrast, Ingarashi discloses a method of route selection wherein *static* weight values for all available routes are totaled and a route having the minimum total weight value is selected from among all possible routes. *See*, Ingarashi column 1, lines 57–67 to column 2, lines 1-3 and the abstract. At least, Ingarashi does not disclose an apparatus to “determine whether the *dynamic* local peer group horizontal link utilization value exceeds the *link utilization threshold value*.” Rather, the method of Ingarashi comprises totaling *static* weight designations *over plural links*, wherein the weights are set by a user for each link. *See*, Ingarashi column 8, lines 46-49 and 57-67. Again, in contrast, in the current application a routing decision is based in part on

comparing *dynamic* link utilization information with a link utilization threshold value. Link utilization changes over time therefore link utilization information will be *dynamic* not *static*. Making routing decisions based on a local horizontal link's *dynamic* link utilization is not the same as making routing decisions based on a composite of *static* weight information set by users over a plurality of links.

Bosloy does not cure the deficiencies of Ingarashi for at least the reasons stated above. Therefore, claim 25 distinguishes from Ingarashi and Bosloy on at least the foregoing basis and should be allowed. Claims 26, 33, 38 and 41 distinguish from Ingarashi and Bosloy on at least the same or similar basis and should be allowed.

The office action rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Igarashi in view of Bosloy, and further in view of Lee (U.S. Patent Application Publication No. 2003/0118025).

Claim 27 depends from claim 25 and distinguishes from Ingarashi and Bosloy on at least the same or similar basis. Lee does not cure the deficiencies of Ingarashi and Bosloy. Therefore claim 27 should be allowed.

The office action rejected claims 29 and 43-44 under 35 U.S.C. § 103(a) as being unpatentable over Bosloy in view of Hamedani, *et al.*, (U.S. Patent 6,560,242).

Claim 29 depends from claim 28 and distinguishes from Bosloy for at least the same or similar reasons as claim 28 discussed above. Hamedani does not cure the deficiencies of Bosloy. Therefore, claim 29 should be allowed for at least the same or similar reasons as claim 28.

Claims 43-44 depend from claim 42 and distinguish from Bosloy for at least the same or similar reasons as claim 42 discussed above.

Hamedani does not cure the deficiencies of Bosloy. Therefore, claims 43-44 should be allowed for at least the same or similar reasons as claim 42.

The office action rejected claims 30-32 under 35 U.S.C. § 103(a) as being unpatentable over Bosloy in view of Hamedani and further in view of Soncodi (U.S. Patent 6,272,139).

Claims 30-32 depend from claim 28 and distinguish from Bosloy and Hamedani for at least the same or similar reasons as claim 28 discussed above. Soncodi does not cure the

deficiencies of Bosloy and Hamedani. Therefore, claims 30-32 should be allowed for at least the same or similar reasons as claim 28.

The office action rejected claims 34, 35, 39, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Igarashi in view of Bosloy, and further in view of Chen (U.S. Patent 5,533,009).

Claims 34 and 35 depend from claim 33 and distinguish from Ingarashi and Bosloy for at least the same or similar reasons. Chen does not cure the deficiencies of Ingarashi and Bosloy. Therefore, claims 34 and 35 should be allowed for at least the same or similar reasons as claim 33.

Claims 39 and 40 depend from claim 38 and distinguish from Ingarashi and Bosloy for at least the same or similar reasons. Chen does not cure the deficiencies of Ingarashi and Bosloy. Therefore, claims 39 and 40 should be allowed for at least the same or similar reasons as claim 38.

The office action rejected claims 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Igarashi in view of Bosloy and further in view of Chen and Lee.

Claims 36 and 37 depend from claim 33 and distinguish from Ingarashi and Bosloy for at least the same or similar reasons. Neither Chen nor Lee cures the deficiencies of Ingarashi and Bosloy. Therefore, claims 36 and 37 should be allowed for at least the same or similar reasons as claim 33.

The office action rejected claim 45 under 35 U.S.C. § 103(a) as being unpatentable over Bosloy in view of Igarashi.

Claim 45 depends from claim 42 and distinguishes from Bosloy for at least the same or similar reasons as claim 42 discussed above. Ingarashi does not cure the deficiencies of Bosloy. Therefore, claim 45 should be allowed for at least the same or similar reasons as claim 42.

The office action rejected claims 46 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Bosloy in view of Chen.

Claims 46-47 depend from claim 42 and distinguish from Bosloy for at least the same or similar reasons as claim 42 discussed above. Chen does not cure the deficiencies of Bosloy. Therefore, claims 46-47 should be allowed for at least the same or similar reasons as claim 42.

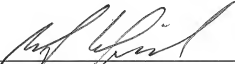
### **Conclusion**

For the foregoing reasons, the applicants request reconsideration and allowance of claims 25-47. The applicants encourage the examiner to telephone the undersigned if it appears that an interview would be helpful in advancing the case.

**Customer No. 73552**

Respectfully submitted,

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